

# **FIRE AND POLICE CIVIL SERVICE BOARD RULES**

## **CITY OF HAMMOND**

### **RULE I**

#### **MEETING OF THE BOARD**

- SECTION 1: The board shall hold one regular meeting within each quarterly period of the calendar year, in the months of January, April, July, and October. The board shall hold such special meetings as may be called by the chairperson or as provided in Revised Statute 33:2471 and those that follow.
- SECTION 2: Unless otherwise provided in the notice for such meetings, all meetings shall be held at Hammond City Council Chambers.
- SECTION 3: Notice of all meetings, except special meetings, shall be given by posting such notice in the city hall, not less than five (5) days before the date fixed for such meeting, unless otherwise provided by law. Such notice shall state the time, place, and subject matter to be covered, and whether said meeting is regular or special.
- SECTION 3.1: No item shall be placed on the agenda unless an agenda item request form is properly submitted to the Civil Service Board Secretary during normal business hours. The official date stamp of the Secretary of the Civil Service Board shall be proof certain of the date of filing. Any agenda item request received by the Board secretary shall be placed on the agenda for the next Civil Service Board meeting. If no meeting has previously been scheduled to be held within thirty days of the filing of an agenda item request, a meeting shall be scheduled to be held no later than thirty (30) calendar days after the filing of the agenda item request, at which meeting a hearing date shall be scheduled. The request shall be scheduled to be heard no more than thirty (3) calendar days later or sixty (60) calendar days following the initial filing of an agenda item request, whichever may occur sooner.
- SECTION 3.2: Notice of a hearing shall be provided to an appellant, when application for such has been filed in accordance with the Fire and Police Civil Service Board Rules, in the following manner: The

Secretary of the Civil Service Board shall, within seven (7) calendar days of the determination of the hearing date, notify the appellant of the date, time, and place of the hearing, by regular mail, and also by certified mail, return receipt requested, addressed to the appellant at the mailing address listed in the appeal filed by or on behalf of the appellant, or to appellant's counsel as designated in the appeal, or to both. A return receipt indicating the notice was mailed to an address of the appellant or appellant's counsel as provided in the appeal documents shall be proof positive for all purposes of the receipt by the appellant of the notice of the date, time, and place of the hearing.

SECTION 4: Special meetings of the board will be held only upon call of the chairman, or in his absence the Vice-chairman, or as provided by Revised Statute 33:2471 and those that follow. Notice of any special meeting shall be given by posting such notice in the city hall not less than twenty-four (24) hours before the beginning time of said meeting.

SECTION 5: All board meetings shall be open to the public, except when the board meets in executive session as provided for in Revised Statute 42:4.1 and those statutes that follow.

SECTION 6: All board members must be notified not less than five (5) days preceding all regular board meetings. Special meetings may be held upon twenty-four hour notice, as provided by law.

## **RULE II**

### **SUBJECT MATTER OF MEETINGS**

SECTION 1: At regular meetings of the board it shall consider all old and new business which may be brought to its attention in the manner hereinafter provided.

SECTION 2: At special meetings the board shall consider only those items of business for which the meeting was called, except by agreement of two-thirds of the board members, other matters may be considered.

### **RULE III**

SECTION 1: At regular meetings the order of business shall be as follows:

1. Reading of the minutes.
2. Special and general reports.
3. Decisions and orders on matters considered at previous hearings and meetings.
4. New business.

SECTION 2: At special meetings the order of business shall be as follows:

1. Reading of minutes.
2. Decisions and orders on matters considered at previous hearings and meetings.
3. Hearing of matters previously fixed for the special meeting.

### **RULE IV**

#### **EXECUTIVE SESSIONS**

SECTION 1: The board, if required, will meet in executive session during regular or special meetings, by two-thirds vote of those present when considering those matters which may be discussed under provisions of Revised Statute 42:4.1, (relative to public meetings) and those statutes that follow. Any voting on matters discussed in executive sessions shall be conducted upon return to public meeting.

### **RULE V**

#### **APPLICATION FOR APPEALS AND HEARINGS**

SECTION 1: Any person authorized to appeal to the board under the provisions of civil service law may apply for such an appeal by completing the form "AGENDA ITEM REQUEST", which includes, but is not limited to, giving a clear and concise statement of the action complained against, the basis of the appeal, and the relief sought. Application for appeals to the board under the provisions of R.S. 33:2501 of Civil Service Law shall be made by regular employees in

the classified service and shall be limited to matters involving discharge, corrective or disciplinary action reportable in the employee's civil service record and the application shall so state. All other request for hearings shall set forth the section of civil service law under which the application is brought and shall contain a statement of the jurisdiction of the board. All applications for appeals and other hearings must be signed by the applicant or his counsel, if any, and must give the full name and post office address of the appellant and of his counsel. Written notice shall be filed with the chairperson of the board or the board official so designated to receive such applications.

SECTION 2: No appeal shall be effective unless the above stated notice is filed within fifteen (15) days following the action complained against, or where written notice is given of an action to be thereafter effective, within the fifteen (15) days following the date on which such written notice is given. The date that an employee is notified in person and/or by certified mail and/or by personal service of the disciplinary action report containing the job action signed by the mayor shall be considered the date of notification of the job action for purposes of this Section. The date of a signed receipt by the applicant or signature of any person at the address, or personal service, shall be deemed receipt of notice for purposes of this section.

SECTION 3: The secretary of the board shall cause the date of filing to be noted on each notice of appeal and shall file said appeal on the appeals docket, giving the said appeal an appropriate title.

## **RULE VI**

### **PROCEDURE ON APPEALS**

SECTION 1: All hearings on appeals shall be open to the public.

SECTION 2: Parties shall have the right, but shall not be required, to be represented by counsel. When any party is represented by more than one attorney, only one attorney for any party shall be permitted

to examine the same witness.

SECTION 3: The rules of evidence as applied in civil trials before the courts of this state need not be strictly complied with, but the board shall limit evidence to matters having reasonable relevance to the issues before the board. The burden of proof, as to the facts, shall be on the appointing authority except in those cases where the employee alleges discrimination based on political or religious beliefs, sex, or race.

SECTION 4: Parties and witnesses shall be subject to cross-examination as in civil trials. The board looks with favor upon stipulations of undisputed facts.

SECTION 5: The board may, on request of any party or on its own motion, place witnesses other than parties under the rule of the board and thus exclude them from the hearing room.

SECTION 6: Any party desiring the issuance of a subpoena for the attendance of a witness or the production of books or papers must apply for appropriate order, to the board, in writing, not less than fifteen (15) calendar days prior to the hearing date. Any member of the board may order the issuance of a subpoena at any time and for good cause shown the board may order the issuance of a subpoena at any time before the scheduled hearing.

There will be no charge for the City of Hammond employee witness subpoenas. A subpoena service fee of \$40.00 may be required for each additional witness subpoena when said subpoena must be served by an outside agency.

SECTION 7: The written rules, regulations, and procedures of the civil service board and Revised Statute 33:2471 and those that follow will be the basis of all hearings and appeals.

SECTION 8: Any party desiring the continuance of a hearing shall so certify in writing to the Board, listing the reasons why the continuance is requested, and whether the opposing party consents, and upon the subsequent approval of two (2) members of the board. No hearing shall be continued unless written requests to do so is filed at least seven

(7) calendar days before the date of the hearing. The Board may grant a continuance requested less than seven (7) days before the hearing only in cases of documented and extreme emergency or hardship. The Secretary of the Board shall notify all parties by telephone.

SECTION 9: When an appeal is taken by an employee in the classified service and the board determines, in reversing the decision of the appointing authority, that the corrective of disciplinary action taken by the appointing authority was without just cause as provided in R.S. 33:2501, the board may award to the appealing employee, attorney fees, to be assessed against the appointing authority, not to exceed \$1000 in any one appeal.

## **RULE VII**

### **RULES OF HEARINGS**

#### Guidelines for Civil Service Hearings

At all hearings, the burden of proof is with the party designated by law. In the case of disciplinary action, the burden of proof is on the appointing authority. In cases of alleged discrimination of any kind, the burden of proof shall be with the appellant.

If any party to the hearing desires a permanent transcript of the hearing, the party shall furnish a court reporter for said purpose at their own expense. Where a court reporter is furnished, the first copy of the original of the transcript shall be filed with the board and shall become part of the permanent record of any subsequent appeal. Where no court reporter is furnished, the secretary of the board shall maintain as complete notes as is feasible and the board will issue a written finding of fact. Any transcription of recorded material (if any) will be made at the request of either party, and the requesting party shall bear the cost of such transcription at a rate not to exceed \$25 plus \$2 per completed page of transcription.

Opening statements will be given first by the appointing authority involved, explaining situation, action taken, and violation of rules/regulations. This discussion should be fairly brief and give the board an explanation of the action.

The appealing employee or his/her representative will be

allowed a brief explanation of why the action should not have been taken and an explanation of the defense to be made.

The appointing authority will then call any witnesses or present any testimony which it may have in its case. Upon completion of testimony, the appointing authority should so inform the board.

The employee may then call any witnesses or present testimony which it may have in the case. Upon completion of testimony, the employee should so inform the board.

The appointing authority may call any witnesses or take testimony rebutting the testimony of the employee.

All witnesses testifying in hearings shall be subject to cross examination.

Any objections to questions or testimony shall be made directly to the chairman, and the chairman shall rule on such objections. Any board member may request reconsideration of a decision by the chairman, and a vote by the board will be taken to determine the validity of the objection. A majority vote is required for determination.

During the proceedings, the chairman or any board member may interrupt questioning of any witness, ask questions of any participants, or may request procedural matters.

After all testimony is given, the board may go into executive session for deliberation. After re-entering into public session, the board may vote on the question "Shall the board uphold the actions of the appointing authority?" However, any member of the board may request by motion that other action be considered.

In cases where the entire Board is recused, or in other cases where no Board member is able to preside over the hearing of a pending matter, a neutral hearing officer shall conduct a fair and impartial hearing of the matter in accordance with law. In connection with this hearing, the parties shall be able to introduce all forms of evidence subject to objections and rulings on admissibility by the hearing officer. The parties shall also be able to subpoena witnesses, examine them under oath and seek enforcement of subpoenas in the district court as provided by law. In order to facilitate the implementation of this provision, the Board shall contract with the Louisiana Division of Administrative Law to provide Administrative Law Judges.

**RULE VIII****DISMISSAL OF APPEALS**

SECTION 1: If the appellant or authority fails to appear at the place and time fixed for any hearing, his appeal may be dismissed or the board may, in its discretion, continue the case or proceed with the hearing and render its decision upon such evidence as may be adduced at the hearing.

**RULE IX****OTHER HEARINGS**

SECTION 1: All other hearings of the board shall be instituted and shall be conducted in accordance with the above and foregoing rules and Civil Service Law in general.

**RULE X****APPLICATION FOR ADMISSION TO TEST**

SECTION 1: Test for entry upon promotional and competitive employment list shall be advertised for and administered in accordance with R.S.33:2492 of Civil Service Law. Test for entrance upon competitive employment list may be given as the needs of the service require as determined by the civil service board. Test for entry upon promotional employment list may be given after existing list is twelve (12) months old and not yet expired and shall be given at least one time during each succeeding period of eighteen (18) months. The initial list shall be used until expiration or exhaustion in hiring practices.

SECTION 2: Applications for admission to tests on board approved forms, will be received by those individuals designated by the board at any time before final date for receiving applications. Every applicant for entry-level examinations must file with the application proof of voter registration, age, and applicable educational



background. Approved applicants will be notified at least five (5) days in advance of the date fixed for the exam. Individuals designated to receive applications will forward such applications to the board secretary and shall be kept as permanent record of the board in accordance with Civil Service Law.

SECTION 3: Competitive employment lists shall be maintained by the board for eighteen (18) months. Promotional employment lists shall be maintained by the board for forty-eight (48) months.

SECTION 4: Admission to tests shall be governed by provisions of R.S.33:2493 of Civil Service Law and the qualification requirements of the classification plan.

In the event of a demonstrated need for an eligibility list, the board may waive any requirements in the classification plan in order to establish a qualified pool of applicants for testing. A demonstrated need is established when an active provisional appointment exists in the classification to be tested and it is anticipated that an adequate list cannot be established under existing rules.

SECTION 5: When results of any examination are furnished to the board by the State Examiner, the Chairperson shall forthwith call the board for a special meeting for approval thereof. Employment list shall become effective upon approval of and by a majority of the board and filing of the same by the Board with the State Examiner.

SECTION 6: Any applicant requesting the board to accept scores from later sitting for any examination of the Police Department must be made within thirty (30) days of the called examination date of the City of Hammond. Exception may be made only by a vote of 2/3 of the board.

## **RULE XI**

### **DISTRIBUTION OF BOARD RULES**

SECTION 1: A copy of the board rules shall be distributed to each board member, governing body one (1) copy,

Police Chief and Fire Chief one (1) copy each and police and fire station bulletin boards one (1) copy.

SECTION 2: A copy of the board rules shall be given on request to an appellant or his counsel prior to a hearing.

## **RULE XII**

### **LEAVES OF ABSENCE, HOLIDAYS, AND BOARD RULES**

SECTION 1: Leaves of Absence - Police and Fire

A. Leaves of absence are classified as follows:

1. Leave of absence with pay
2. Leave of absence without pay
3. Absence without leave and pay.

An absence without leave and pay occurs when an employee does not receive permission to take time off and is in a non-approved and non-pay status.

Any employee who is absent without leave and pay shall be subject to disciplinary action, up to and including termination.

4. Administrative Leave

The appointing authority may grant administrative leave with pay for periods not to exceed thirty (30) days, except as approved by the civil service board, when circumstances develop that would warrant the removal of an employee from the Department without disadvantage, in order for the Appointing Authority to conduct an investigation concerning the conduct of the employee.

B. Sick Leave

1. Each employee of the classified service shall be entitled to and given, with full pay, sick leave aggregating not less than fifty-two (52) weeks during a calendar year for any sickness or injury or incapacity not brought about from his own negligence or culpable indiscretion. Any employee of the classified service who draws such full pay

during sick leave shall have such pay decreased by the amount of workman's compensation benefits actually received by such employee. Classification of leave of absence for the aforementioned will be "leave of absence with pay."

2. Accrualment of Sick Leave

- a. Employees shall accrue sick leave at a rate of one (1) day (8-hour day) per month or twelve (12) days (96 hours) per year.
- b. On December 31 of any given year, all unused sick leave balances shall be carried over and added to that which he/she accrues and does not use in the following year(s). There is no limit to the amount of unused sick leave an employee may accrue, but the amount of accrued leave that may be utilized by an employee at the time of his/her retirement cannot exceed 180 days as stipulated in h (below) of this subsection.
- c. When an employee utilizes more sick leave than is allotted for a particular year, the sick leave used that exceeds the annual allotment will be deducted from the employee's total balance of accrued time.
- d. Sick leave may not be used for absences incurred because of attendance to personal affairs. Any employee on sick leave is expected to diligently pursue full recovery and any activity which is contrary to this endeavor may be the basis for disciplinary action which could include termination.
- e. When an employee of the classified service is ill and cannot report for duty, it is the employee's responsibility to notify the supervisor or the person designated by the chief of the department not later than sixty (60) minutes prior to the start of the assigned duty period. Failure to call, as indicated above, will result in the forfeit of pay, as it is classified as "absence without leave and pay."
- f. Sick leave is applicable to maternity claims. Maternity leave commences when a doctor

certifies that the employee cannot perform all of the duties of her position and light duty within her classification is not available.

- g. Written rules of procedures shall be developed and distributed by each Department outlining rules governing the use and documentation of sick leave.
- h. At the time of retirement from the City, as defined in the Personnel Policy and Procedures Manual of the City of Hammond, employees shall be paid for any unused sick leave not to exceed a maximum of one hundred eighty (180) working days or 1440 hours. Hours are to be accrued beginning the employee's first day of work.

Payment for unused accumulated sick leave at the time of retirement shall be calculated at the employee's regular rate of pay (straight time rate) earned at the time of separation.

Terminating employees, other than in the case of a reduction in force (RIF) or at the time of retirement, are not paid for accrued and unused sick days, regardless of whether their termination was voluntary or involuntary. However, the City shall honor policies not specified in this section and which are mandated by state statute or federal laws governing all municipal employees. For the purposes of this policy, the official records are those maintained by the police, fire, and payroll department of the City of Hammond and will begin on the employee's first work day.

#### C. Bereavement Leave

- 1. Bereavement leave in the event of an immediate family death shall be authorized without loss of pay or leave time not to exceed three (3) calendar days. Four (4) days will be allowed if the funeral is out of state.
- 2. An employee's immediate family is defined to consist of parents, spouse, brother or sister, grandparent, children, step-children, grandchildren, or guardian, mother-in-law, father-in-law, step-father, step-mother, step-sister, step-brother, step-grandparent.

3. If an employee of the classified service has a death in their immediate family and cannot report for duty, it is the employee's responsibility to notify the supervisor or the person designated by the chief of the department not later than two (2) hours before he is scheduled to report to duty.

D. Examinations

Each employee of the classified service will be granted "leave of absence with pay" to take any Municipal Fire and Police Civil Service examination. Such leave will begin one half hour prior to the examination and will terminate fifteen minutes after the completion of the examination.

Provisional employees are granted "leave of absence with pay" to take a municipal fire and police civil service examination for the class which they hold provisionally.

E. Civil Leave

Absence because of jury duty is "leave of absence with pay." However, the jury notice must be presented to the chief of the department or to the person designated by the chief to receive such notice at least five (5) days in advance of such jury duty, or promptly after receipt of notice. An employee shall be authorized to take leave time when performing jury duty, when subpoenaed to appear before a court, public body, or commission when such subpoena is related to departmental business, or when performing emergency or civilian duty in connection with national defense.

F. City, District or Federal Court Attendance

Attendance in City, District or Federal court on departmental business is with pay provided that the attendance is ordered by subpoena or other court order when such subpoena is related to departmental business. Should any employee of the classified service be required to be in attendance in court on their off time, such time shall be compensated at their overtime rate of pay or at the compensation paid by the court.

Each departmental member of the civil service board shall be granted leave of absence with pay for the duration of any civil service board meeting that the employee representative attends, or for any time required to assist with civil service examinations or other official

business of the civil service board.

G. Military Leave with Pay

An employee shall be authorized to take leave without loss of pay or vacation leave time when performing emergency military duty or participating in the two-week annual training duty required by membership in a reserve unit of the U.S. Armed Forces or the Louisiana National Guard, for a maximum of fifteen (15) work days, as provided by Revised Statute 42:394. Each member of the classified service shall give such notice of ordered duty at least thirty (30) days in advance to the chief of the department and this board, if known by him. Should the employee be called out on an emergency basis, he should contact his supervisor, the chief of the department, or the person designated by him to receive such notice. Military leave for employees working 24-hour shifts will be a maximum of seven 24-hour shifts.

H. Military Leave without Pay

Any regular and permanent member of the classified service called into the Armed Forces, will be carried on military leave without pay until the employee returns to duty. The employee is required to notify the chief of the department or the person designated by him to receive such notice and this board when he receives such notice.

Any regular and permanent member of the classified service who is called into the Armed Forces will be allowed to take whatever annual leave to which the employee may be entitled.

Non-permanent employees will not be granted a military leave of absence. They shall be required to resign or be dropped from service.

Any member of the classified service who is a member of the National Guard or in the Reserves of the Armed Forces, upon being ordered to active duty, shall be given any leave due the employee in Section G. Should the individual have used all leave to which the employee is entitled (in Section G), then the employee shall be granted military leave without pay.

## I. Annual Leave

Fire Personnel

1. Each full-time employee of the Hammond Fire Department shall accrue annual vacation according to the schedule below for a two-week pay period. No vacation time may be taken until an employee has completed one year of service. The vacation privileges herein provided for shall not be forfeited by any member of the department for any cause,

## 40 HOUR PER WEEK EMPLOYEES

0-48 months . . . . .	5.5385 Hours
49-60 months. . . . .	5.8462 Hours
61-72 months. . . . .	6.1538 Hours
73-84 months. . . . .	6.4615 Hours
85-96 months. . . . .	6.7692 Hours
97-108 months . . . . .	7.0769 Hours
109-120 months. . . . .	7.3864 Hours
121-132 months. . . . .	7.6923 Hours
133-144 months. . . . .	8.000 Hours
145-156 months. . . . .	8.3077 Hours
157-168 months. . . . .	8.6154 Hours
169-180 months. . . . .	8.9231 Hours
181-999 months. . . . .	9.2308 Hours

## 56 HOUR PER WEEK EMPLOYEES

0-48 months . . . . .	8.3077 Hours
49-60 months. . . . .	8.7692 Hours
61-72 months. . . . .	9.2308 Hours
73-84 months. . . . .	9.6923 Hours
85-96 months. . . . .	10.1538 Hours
97-108 months . . . . .	10.6154 Hours
109-120 months. . . . .	11.0769 Hours
121-132 months. . . . .	11.5385 Hours
133-144 months. . . . .	12.0000 Hours
145-156 months. . . . .	12.4615 Hours
157-168 months. . . . .	12.9231 Hours
169-180 months. . . . .	13.3846 Hours
181-999 months. . . . .	13.8462 Hours

2. Vacation scheduling shall be done in December of each year for the upcoming calendar year. Employees with the greatest departmental seniority will have priority on the scheduling in each division and/or shift. After all first round

request are honored, second split vacation starts over by seniority. After all second round requests are honored, third round split vacation starts over by seniority. Any vacation not scheduled in December is awarded on a first come, first served, basis as long as minimum manning is maintained.

3. Unused vacation time for members of the fire department may be carried over to subsequent years. The vacation privileges herein provided for, including any unused vacation time accrued, shall not be forfeited by any member of the department for any cause.
4. No cash payment may be made in lieu of vacation, except upon separation from the service.

#### Police Personnel

1. Each full-time employee of the classified service after having served one year, shall be entitled to an annual vacation of 144 hours with full pay. This vacation period shall be increased 8 hours for each year of service over five (5) years, up to a maximum vacation period of 240 hours, all of which shall be with full pay. The vacation privileges herein provided for shall not be forfeited by any member of the department for any cause.

2. Full-time employees of the classified service shall receive:

1 year (but less than 5 year) .. . . .	144 hours
5 years .. . . .	152 hours
6 years .. . . .	160 hours
7 years .. . . .	168 hours
8 years .. . . .	176 hours
9 years .. . . .	184 hours
10 years .. . . .	192 hours
11 years .. . . .	200 hours
12 years .. . . .	208 hours
13 years .. . . .	216 hours
14 years .. . . .	224 hours
15 years .. . . .	232 hours
16 plus years .. . . .	240 hours

3. Each employee may divide vacation leave into two (2) separate periods, the total of which shall not exceed the employee's total accrued vacation leave time. Employees with the greatest departmental



seniority will have priority on the scheduling in each division and/or shift. If an employee takes the option to split his/her vacation, seniority applies to first choice only. After all requests are honored, second choice vacation scheduling starts over by seniority. After all second choice request are honored, any remaining vacation leave may be taken at the employee's discretion, within the Department's parameters regarding minimum manpower standards, on a first-come-first-serve basis.

4. All request for vacation leave will be submitted to the Division or Shift Commander no later than January 1 of the year before the time is being requested. Any request received after January 1 will be considered for scheduling as if the employee were last in seniority.
5. Unused vacation time for members of the classified service may be carried over to subsequent years. The vacation privileges herein provided for, including any unused vacation time accrued, shall not be forfeited by any member of the department for any cause.
6. All vacation request must be approved by the Division or Shift Supervisor.
7. No cash payment may be made in lieu of a vacation, except upon separation from the service.

J. Holidays

1. Each member of the classified service shall be granted the following legal holidays:

1. New Year's Day	January 1
2. Martin Luther King Day	Third Monday in January
3. Mardi Gras	Day before Ash Wednesday
4. Good Friday	Friday before Easter
5. Memorial Day	Last Monday in May
6. Independence Day	July 4
7. Labor Day	First Monday in September
8. Columbus Day	Second Monday in October
9. Presidential Election	Tuesday following the first Monday in November- every 4 years
10. Veteran's Day	November 11
11. Thanksgiving	Fourth Thursday in

	November
12. Thanksgiving	Friday after Thanksgiving
13. Christmas Eve	December 24
14. Christmas Day	December 25
15. New Year's Eve	December 31

2. Employees whose regularly scheduled day off falls on a holiday shall be granted eight (8) hours of compensatory time-off with pay in recognition of the holiday.
3. When a holiday falls while an employee is on scheduled paid vacation, the employee shall receive compensatory time equal to the number of hours of vacation leave that the employee used on that day.
4. Non-exempt and hourly paid employees who are required to work on holidays shall be paid at twice the normal hourly rate.

K. Family Medical Leave

Each full-time employee of the classified service after having served one (1) year, shall be entitled up to twelve (12) weeks of unpaid leave, without credit for departmental seniority when appropriate documentation is supplied to the Appointing Authority for those reasons provided by Public Law 103-3 (Family and Medical Leave Act of 1993).

An employee will be required to first exhaust any or all compensatory time and any or all accumulated leave time before being granted unpaid leave without seniority.

L. Civil Emergency Pay Policy

The Governing Authority of the City of Hammond has passed by ordinance an Emergency Pay Policy governing the payment during declared emergencies by the mayor. During the declared emergency period, the following rules are hereby established regarding the pay to civil service personnel.

Essential, non-exempt civil service employees that perform duties during the emergency shall be paid at two times their regular hourly rate for all hours worked during the declared civil emergency pay period. Hours worked shall count toward overtime. The civil emergency pay period will be the civil emergency declaration

period.

During a declared civil emergency, essential, civil service exempt employees may be required to work. Essential, civil service exempt employees shall be paid according to ordinance.

Compensatory time off, leave accrual, or other additional benefits will not be permitted for the declared civil emergency pay period for civil service employees not reporting to work for any reason.

Essential, non-exempt civil service employees regularly scheduled to work during a declared civil emergency who are not directed to work during a declared civil emergency and are not able to work during the declared civil emergency due to the closing of a facility, or another valid reason as defined and approved by the Mayor, or designee, shall be paid based on the employee's regular hourly rate for the normally scheduled work. Hours paid but not worked shall not count toward overtime.

Essential civil service exempt employees regularly scheduled to report to work during a declared civil emergency who are not directed to work during a declared civil emergency and are not able to work during the declared civil emergency due to the closing of a facility, or another valid reason as defined and approved by the Mayor, or designee, shall receive their regular pay for the normally scheduled work.

Essential, non-exempt civil service employees directed to work during a declared civil emergency and who do not work shall receive regular pay at the discretion and approval of the Mayor, or designee. If approved, the amount of pay will be his or her regular hourly rate for normally scheduled work. Hours not worked shall not count towards overtime. Failure to report to work during declared civil emergencies by civil service employees required for essential services may be cause for disciplinary action up to and including termination. Exception: Employee is unable to work with doctor's certification prior to declared civil emergency or hospitalized during the declared emergency, in which case the absence will be designated sick leave or worker's compensation, if applicable.

Essential, civil service exempt employees directed to work during a declared civil emergency and who do not

work would receive their regular pay for the normally scheduled work. However, failure to report to work during declared civil emergencies by employees required for essential services may be cause for disciplinary action up to and including termination. Exception: Employee is unable to work with doctor's certification prior to declared civil emergency or hospitalized during the declared emergency, in which case the absence will be designated sick leave or worker's compensation, if applicable.

Any civil service employee who is not scheduled to work for whatever reason and does not work during the emergency period shall receive no additional compensation or benefit. The emergency period shall not be considered as a holiday.

### **RULE XIII**

These rules may be amended by a vote of any three members comprising the quorum after proper notice and posting according to law. The effective date of enactment is January 1, 1989.

HM	09-29-88	06-02-14
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	03-24-05	
	05-18-05	
	07-06-05	
	02-27-08	